

## SIXTH OFFENSE: **FELONY (THIRD DEGREE)**

Lifetime license revocation.

Up to 30 months in prison, 18 months mandatory.

Up to \$5,000 fine plus administrative fees.

**MANDATORY:** Screening, treatment, lifetime ignition interlock with a 5-year court review.

## SEVENTH OR SUBSEQUENT OFFENSE: **FELONY (THIRD DEGREE)**

Lifetime license revocation.

Up to 3 years in prison, 2 years mandatory.

Up to \$5,000 fine plus administrative fees.

**MANDATORY:** Screening, treatment, and lifetime ignition interlock with 5-year court review.

**AGGRAVATED DWI: FELONY** (.16 BAC or above, refusal to take BAC test or cause bodily injury while DWI)

**FIRST OFFENSE:** Mandatory: Additional 2 days in prison

**SECOND OFFENSE:** Mandatory: Additional 4 days in prison

**THIRD OFFENSE:** Mandatory: Additional 60 days in prison

## DRIVING WHILE REVOKED FOR DWI OR TAMPERING WITH AN INTERLOCK: **MISDEMEANOR**

1 year revocation added to current revocation period.

Up to 364 days in jail, 7 days mandatory.

Up to \$1,000 fine, \$300 mandatory.

30 days immobilization of vehicle driven by offender.

Driving while revoked includes driving without an interlock when it is required by an interlock license.

## OTHER

Offenders must prove six months of ignition interlock use prior to license reinstatement.

## SELLING/GIVING ALCOHOL TO A MINOR: **FELONY (FOURTH DEGREE)**

To knowingly sell, serve or give alcoholic beverages to a minor, or to permit a minor to consume alcoholic beverages or to assist a minor to buy alcoholic beverages. Does not apply to parents serving their own children in their home, to an adult spouse of a minor, or to the use of alcohol in religious services. Minor here means someone under 21 years of age.

MINIMUM BLOOD ALCOHOL LEVELS AT WHICH DRIVER'S LICENSE IS REVOKED: .02% UNDER 21, AND .08% 21 AND OVER.

# New Mexico Law DWI Penalties

## FIRST OFFENSE: **MISDEMEANOR**

6 months to 1 year license revocation (1 year if under 21).

Up to 90 days in jail, 48 hours mandatory for probation violation.

Up to \$500 fine plus administrative fees.

**MANDATORY:** DWI school, screening, ignition interlock for 1 year, community service.

Other: Treatment and up to one year probation discretionary.

## SECOND OFFENSE: **MISDEMEANOR**

1-2 year license revocation.

Up to 364 days in jail, 96 hours mandatory.

Up to \$1,000 fine, \$500 mandatory plus administrative fees.

**MANDATORY:** Screening, ignition interlock for 2 years, community service, treatment.

Other: Up to 5 years probation discretionary.

## THIRD OFFENSE: **MISDEMEANOR**

1-3 year license revocation.

Up to 364 days in jail, 30 days mandatory.

Up to \$1,000 fine, \$750 mandatory plus administrative fees.

**MANDATORY:** Screening, treatment, ignition interlock for 3 years, community service.

Other: Up to 5 years probation discretionary.

## FOURTH OFFENSE: **FELONY (FOURTH DEGREE)**

Lifetime license revocation.

Up to 18 months in prison, 6 months mandatory.

Up to \$5,000 fine plus administrative fees.

**MANDATORY:** Screening, treatment, lifetime ignition interlock with 5-year court review.

## FIFTH OFFENSE: **FELONY (FOURTH DEGREE)**

Lifetime license revocation.

Up to 2 years in prison, 1 year mandatory.

Up to \$5,000 fine plus administrative fees.

**MANDATORY:** Screening, treatment, lifetime ignition interlock with 5-year court review.